

REMARKS

Claims 1 - 23 are pending in the present application.

On 27 JUL 2005, Applicant and Examiner Wood conducted a teleconference. Applicant thanks Examiner Wood for making time for the teleconference.

During the teleconference, Applicant proposed an amendment to the claims. The present amendment is a formal presentation of the amendment proposed during the teleconference.

On page 2 of the Office Action, claims 1 – 3, 9 – 12, 16 – 19 and 23 are rejected as being anticipated by U.S. Patent No. 6,826,748 to Hohensee et al. (hereinafter "the Hohensee et al. patent"). Of this set of rejected claims, six are independent, namely claims 1, 9, 10, 16, 17 and 23. Applicant amended claims 1, 9, 10, 16, 17 and 23 to clarify a feature of the claims that is neither expressly nor inherently disclosed by the Hohensee et al. patent.

Claim 1 provides a method for enhancing source code. The method includes (a) recognizing an occurrence in the source code, of a first instruction to access a permanent file, and (b) supplementing the source code with a second instruction to access a memory file instead of the permanent file.

The Hohensee et al. patent is directed toward a technique of executing instructions for a computer of a first computer architecture on a computer of a second, different architecture (col. 1, lines 11 – 13). The Hohensee et al. patent does not mention either of a permanent file, or a memory file, and it does not mention accessing one type of file instead of another type of file. Therefore the Hohensee et al. patent does not disclose accessing a memory file instead of a permanent file. Consequently, the Hohensee et al. patent does not recognizing an occurrence in said source code, of a first instruction to access a permanent file; and supplementing said source code with a second instruction to access a memory file instead

of said permanent file, as recited in claim 1. Accordingly, Applicant submits that the Hohensee et al. patent does not anticipate claim 1.

Independent claims 9, 10, 16, 17 and 23 each includes recitals similar to those of claim 1, as described above. As such, for reasoning similar to that provided in support of claim 1, Applicant submits that all of claims 9, 10, 16, 17 and 23 are novel over the Hohensee et al. patent.

Claims 2 and 3 depend from claim 1. Claims 11 and 12 depend from claim 10. Claims 18 and 19 depend from claim 17. By virtue of these dependencies, claims 2, 3, 11, 12, 18 and 19 are also novel over the Hohensee et al. patent.

Applicant respectfully requests reconsideration and withdrawal of the section 102(b) rejection of claims 1 – 3, 9 – 12, 16 – 19 and 23.

On page 3 of the Office Action, claims 4 – 8, 13 – 15 and 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Hohensee et al. patent in view of U.S. Patent No. 6,691,125.

Claims 4 – 8 depend from claim 1, claims 13 – 15 depend from claim 10, and claims 20 – 22 depend from claim 17. Applicant submits that the Engle et al. patent does not make up for the deficiencies of the Hohensee et al. patent as it applies to claims 1, 10 and 17. Therefore, claims 1, 10 and 17, as well as claims 4 – 8, 13 – 15 and 20 – 22, are all patentable over the cited combination of the Hohensee et al. and Engle et al. patents.

Applicant respectfully requests reconsideration and withdrawal of the section 103(a) rejection of claims 4 – 8, 13 – 15, and 20 – 22.

As mentioned above, Applicant amended claims 1, 9, 10, 16, 17 and 23 to clarify a feature that is neither described nor suggested by the art of record. The amendment of

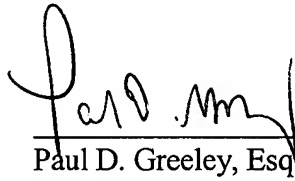
these claims is not intended to narrow the scope of any term of any claim. Therefore, the doctrine of equivalents should be available for all of the terms of all of the claims.

In view of the foregoing, Applicant respectfully submits that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Respectfully submitted,

8/16/05

Date



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